

BRIGITTA POBERETSKI AND NICKOLAS MENIS

MARCH 20, 1956.—Committed to the Committee of the Whole House and ordered to be printed

Mr. WALTER, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany S. 1255]

The Committee on the Judiciary, to whom was referred the bill (S. 1255) for the relief of Brigitta Poberetski, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendments are as follows:

After line 7, at the end of the bill, add a new section 2 to read as follows:

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Nickolas Menis shall be held and considered to be the natural-born alien child of Mr. and Mrs. Antonio N. Panopoulos, citizens of the United States.

Amend the title so as to read: "For the relief of Brigitta Poberetski and Nickolas Menis."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant nonquota status to two minor children who are coming to the United States for the purpose of adoption.

The bill has been amended to include the name of the beneficiary of a similar bill which was also passed by the Senate—S. 2166, by Senator O'Mahoney.

GENERAL INFORMATION

A discussion of each case included in the instant bill, with reports from the departments of the administration, and such additional information as was obtained by the committee, appears below.

Brigitta Poberetski—S. 1255, by Senator Langer

The beneficiary of the bill is a 17-year-old native and citizen of Latvia who entered the United States with her younger sister on September 30, 1946, as a war orphan from a displaced persons' camp in Germany. The two children were placed in the home of Mr. and Mrs. Hugo Wendt and some years later, the real mother of the beneficiary, who was presumed to be dead, traced her daughters through the American Red Cross and asked that her older child, the beneficiary, be returned to her. Meanwhile, the mother had remarried and was living in Australia. When Brigitta returned to her mother she found that her mother spoke only German or Latvian, whereas Brigitta had forgotten those languages and spoke only English. This was indicative of many other ways in which the mother and daughter had grown apart during the years of absence. The mother had two other children by her new husband and Brigitta longed to be in America with her sister and her foster parents. The Wendts plan to legally adopt both of the girls and have the consent of the mother.

A letter with attached memorandum, dated July 7, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., July 7, 1955.

HON. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1255) for the relief of Brigitta Poberetski, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill provides that the beneficiary shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of its enactment, upon payment of the required visa fee. It further provides for the deduction of one quota number from the appropriate quota for the first year that such quota is available.

The bill apparently is intended to provide for the issuance of an immigrant visa to the beneficiary, notwithstanding the quota limitations of the Immigration and Nationality Act. However, it is drawn in a form that is usually used for beneficiaries who are residing in the United States.

The beneficiary is chargeable to the quota of Latvia.

Sincerely,

_____, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE BRIGITTA POBERETSKI, BENEFICIARY OF S. 1255

The beneficiary, Brigitta Poberetski, also known as Brigitta Wendt, a native and citizen of Latvia, was born on March 11, 1938. She has never married and resides at 8 Glass Street, Essendon W. 5, Victoria, Australia. She is employed as an office worker but information as to her assets and income is not available.

Miss Poberetski completed elementary school. Her mother and stepfather reside in Australia. A sister resides at Wahpeton, N. Dak. Her father has been missing since 1946.

The beneficiary, with her younger sister, entered the United States as a war orphan from a displaced person's camp in Germany on September 30, 1946. She was placed in the home of Mr. and Mrs. Hugo Wendt, Wahpeton, N. Dak. Shortly thereafter, her mother, who had remarried, was located in the British Zone of Germany and steps were taken to have her mother and stepfather enter the United States as immigrants. Instead, they immigrated to Australia where the beneficiary joined them in May 1951.

Mr. Hugo Wendt, the sponsor, has stated that the beneficiary desires to return to the United States and has been unable to do so because of quota limitations. Mr. and Mrs. Wendt are adopting the younger sister and desire to adopt the beneficiary if she is permitted to return to the United States. They have stated that permission for the beneficiary to be adopted has been granted.

Mr. and Mrs. Wendt are naturalized citizens of the United States. They have no children. Their assets consist of a farm valued at \$72,000, equipment valued at \$10,000, and cash in amount of \$800.

Senator William Langer, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

SCHENECTADY, N. Y., *April 5, 1955.*

Re Brigitta Poberetzki, Windsor, Melbourne, Victoria, Australia, and

Hugo and Hannah Wendt, Wahpeton, N. Dak.

Senator W. LANGER,

United States Senote, Washington, D. C.

INTRODUCTION

DEAR SIR: I am sending you a social worker's report on the child, Brigitta Poberetzki, on behalf of Mr. and Mrs. Wendt, who are anxious to secure permission for Brigitta's reentry into the United States. I have outlined the facts of the case below, and would like to ask for a reconsideration of the matter, if you are able to arrange it with the State Department.

I am myself an American citizen, who resided for 7 years in Australia. I did my undergraduate work at Wayne University, Detroit, and studied social work at Melbourne University. For some time, I was employed by the Australian Immigration Department to do social work with new migrants, and it was in that capacity that I first came to know Brigitta. More recently I have been attached to the Clinic for Psychotherapy, Melbourne, as a psychiatric social worker. I returned to the United States last month.

Following are the relevant details of Brigitta's case:

EARLY HISTORY

Brigitta was born on March 11, 1938, in Riga, Latvia. Shortly after the birth of a younger sister, Ingrid, Brigitta's father deserted the family. In 1944, as a result of war action, the mother and two daughters were forced to abandon their home and fled to Germany. The mother was placed in factory work in Berlin and left the children in the care of a German couple. When she was not heard from further, she was presumed dead, and the girls were placed in an orphanage. Here, for the duration of the war, they lived on very meager rations. When located by UNRRA, they were half starved, covered with lice, and had no papers to identify them. They were first placed in an UNRRA children's camp, and plans were made for their migration to the United States of America through the joint operation of IRO and the Lutheran World Federation.

STAY IN AMERICA

On September 30, 1946, Brigitta and Ingrid were flown to New York. In lieu of a passport, they had affidavits, subscribed by the American vice consul in Stuttgart, Germany, as authorized by the Presidential directive of 1945 regarding war refugees. For a few days, they stayed at the Lutheran Orphanage at Fargo, N. Dak., but were shortly assigned to the care of Mr. and Mrs. Hugo Wendt, wealthy German-American farmers, now living in Phoenix.

In the meantime, the real mother had traced her children through International Red Cross. She soon began to agitate for the return of Brigitta; since Ingrid did not remember her mother, the mother did not ask for her custody as well. The mother had since remarried and had migrated to Australia. As a consequence of her insistence, the Wendts surrendered custody of Brigitta; and, through the services of IRO she was brought to Australia aboard the SS. *Pioneer Reef*. She landed in Sydney on June 18, 1951. Her travel documents were notarized affidavits and medical statements. Since it was believed that she would be joining her mother permanently, no American reentry permit had been requested.

STAY IN AUSTRALIA

Brigitta was met in Sydney by the IRO port liaison officer and flown to Somers Holding Center in Victoria, where she saw her mother for the first time in 7 years. This holding center, which was fairly similar to European DP camps in nature, had been established by the Australian Government to house migrants and their families until private accommodation and employment could be found for them. It was in sharp contrast to the comfort and ease of Brigitta's farm home with the Wendts. Later on, the family (consisting of Brigitta, mother, new husband, and 2 children by her second marriage) moved to Melbourne where they lived in 2 small rooms in a crowded slum area. The family provider was only an unskilled laborer and better housing could not be found for them at a rental which they could afford.

Further complications soon arose: Brigitta and her mother had grown apart in the ensuing years. Brigitta could speak only English and her mother only Latvian and German. Brigitta missed her sister

in America and was homesick for the Wendts and her old friends. The mother tried to impose her tastes in food, clothing, and behavior on Brigitta, who had grown up in a much freer American atmosphere. Tension between the two of them soon mounted to the breaking point. The social workers connected with the Australian Immigration Department made strenuous attempts to reconcile the family, including weekly separate casework interviews with mother and daughter, attempts to secure new friends for Brigitta through clubs etc., attempts to help the family circumstances in such matters as housing, medical care, and the like.

In June 1952 the relationship became so strained that the mother begged the social worker to place her daughter in an orphanage, and Brigitta pleaded to be removed from her mother's care. As a temporary expedient, Brigitta was placed in a foster home, pending consideration of what more could be done to alleviate the situation. During this time, the mother disappeared and was not found for 6 months. After she was located, she refused to support Brigitta in any way, nor would she readmit her to her home.

VISA DETAILS

On December 17, 1951, Brigitta applied to the American consulate, Melbourne, for a visa to return to America, under the Latvian quota. Mr. and Mrs. Wendt have filed with this consulate a notarized affidavit of support. They have further agreed to pay her passage back to the States, and Brigitta's mother has consented to her return.

However, the American consulate has stated that, under the provisions of the new immigration act, it is unlikely that Brigitta will ever be granted a visa, since she has no near relative who is an American citizen. (Mr. and Mrs. Wendt had not adopted her because Brigitta's mother had agitated for her return; and her sister Ingrid is only 12 years old.)

PRESENT SITUATION

Brigitta's plight is rather serious in the following respects:

1. She has just turned 17, and is far too old to be admitted to an orphanage or to be adopted.
2. However, the salary she is earning as a young girl is far too small to support her in even the most meager way.
3. She is growing rapidly and in consequence the expenses for sufficient clothing are considerable.
4. As a result, the social worker has had to enlist the support of many different persons and institutions to procure enough money to see that Brigitta is able to survive.
5. Since the social worker (myself) has now left Australia, Brigitta's problem becomes even more acute.

Despite all her troubles, however, it can be frankly and truthfully stated that Brigitta has developed great self-reliance, and her moral behavior has never been questioned. She has attended night school and is employed as a junior typist-switchboard operator for a firm of carriers; her employers think well of her. She is in good health, is attractive, and quite intelligent, and will eventually be a good citizen in whatever country she lives. But it is obvious that it is unnatural for such a young girl to live alone, without a family, since

she still needs a mother's advice and supervision, and the atmosphere of familial living.

Although the Australian Immigration Department has not taken an official stand in the matter, I have been assured that it would grant Brigitta an international identity card as a travel document.

SUMMARY

In view of Brigitta's predicaments, and considering that these difficulties would be remedied if she were to return to the Wendts, and since Brigitta has once already been admitted to the United States of America on permanent basis, would it be possible for you to help her and the Wendts to obtain an immediate visa for her on compassionate grounds?

Yours faithfully,

Mrs. JANE KAMM.

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN CONSULATE,
Melbourne, Australia, October 28, 1954.

Hon. WILLIAM LANGER,
United States Senate.

MY DEAR SENATOR LANGER: The consulate has received your letter dated September 13, 1954, in which you request information regarding the immigration visa case of Miss Brigitta Poberetski.

Miss Poberetski made application for registration on the quota waiting list at this office on December 22, 1951, and is chargeable to the nonpreference portion of the Latvian quota, which is at present very heavily oversubscribed.

The Immigration and Nationality Act of 1952 provides, inter alia, that an immigrant who is the brother or sister of an American citizen shall be entitled to a preference. It is suggested that if Brigitta's sister, who resides with her foster parents, Mr. and Mrs. Hugo Wendt, of Wahpeton, N. Dak., is an American citizen, she approach the office of the district director of the Immigration and Naturalization Service at Chicago, Ill., and file a petition on her behalf. It is believed that there is no age limit for an American citizen petitioning for a brother or sister. However, the fourth preference portion of the Latvian quota is also oversubscribed, but should the situation improve, this preference would increase her chances of an earlier consideration being given to her case. There is enclosed a general information sheet regarding immigrant visas that you may find useful.

Your interest in this case has been noted and you may rest assured that we will inform Miss Poberetski promptly when we are in a position to give further consideration to her application for an immigration visa.

Sincerely yours,

GIVON PARSONS, *American Consul.*

WAHPETON, N. DAK., *January 22, 1955.*

Hon. WILLIAM LANGER,

*United States Senator of North Dakota,
Washington, D. C.*

DEAR SIR: Thank you very much for your effort in behalf of our foster daughter, Brigitta Poberetski, in Australia.

Of course, we can't help being a little disappointed with the results as we put so much faith and hope in you, to help us in getting her back to America.

Just before I wrote to you, I talked with my good friend, Mrs. Georg Iste. She said: "If there is anybody who can help you, it is Senator Langer."

We know all about the regulations and quotas of the different countries; we have been immigrants ourselves about 30 years ago, but this case is just a little bit different.

After all, Brigitta has been with us already 5 years, but when her mother wanted her back, she wanted to go there, after all she remembered her mother, but she did not think about all the changes that had taken place in the 5 years she had been with us. She was pig-headed, for everybody told her, not to go, but she was only a child who did not care about laws or take them seriously.

So please, Senator, if there is any chance at all, that all this could be taken in consideration please help us, but if not, we still hold you in high regard and owe you a debt of gratitude.

Thanking you very much,

Yours sincerely,

Mrs. HUGO WENDT.

THE LUTHERAN WELFARE SOCIETY OF NORTH DAKOTA,
Fargo, N. Dak., May 17, 1954.

Mrs. HUGO WENDT,

Wahpeton, N. Dak.

DEAR MRS. WENDT: I spoke to Mr. Melbourne of the Immigration and Naturalization Service the other day. I briefly told him of the situation, that is, about Brigitta's coming to the United States and then going to Australia to join her mother, and now wishing to return to the United States to live with you and her sister. Mr. Melbourne explained that when she first came to the United States she came as a displaced person from a distressed area and this gave her a special privilege to come. However, when she left the United States, she lost her special status. She did it willfully we know, and yet she was but a child and could not see the results of such a choice. Because she chose to leave, she lost that special displaced person's right to be in the United States, and now she must come under the established quota of the country of her birth. You understand that Australia is not a distress area and therefore she cannot again come as a displaced person.

Mr. Melbourne stated that Brigitta would have to go to the American consul and apply for a visa. I believe she has already done this. Then he said you could send her a letter showing that you are interested in her and will help her financially so she does not become a public charge here. She would be able to present this to the American consul. This, too, I believe you have done through your affidavit of support.

The Latvian quota fills up very quickly, I understand, and only persons having a preferred status are admitted under the quota. A preferred status refers to having relatives here who are citizens of the United States, such as mothers, fathers, sons, or daughters. Another preferred category are those spouses of immigrants already in the United States who intend to permanently settle here.

He said that the fact that Ingrid, her sister, is here did not help much to give her a preferred status; the relationship had to be closer. Of course, Ingrid is not yet a citizen either.

I guess the Latvian quota is small and fills up fast. Mr. Melbourne did not give me any encouragement that Brigitta could come back soon. He said the laws were set up that way and we must operate under them. Some special congressional act could, of course, make it possible for her to come. However, he could not do anything about that, and we as an agency cannot do anything either. If you feel there are other things you can do, you may feel free to do so.

The situation is difficult, and maybe nothing can be done. It is too bad for Brigitta since she is so unhappy there. I hope that you can explain to Ingrid that you are doing everything you can, but there are some things you just cannot do. If Brigitta cannot now get a visa from the American consul, she just can't and everyone will have to wait. Ingrid can perhaps understand that there are laws that govern immigration and you personally cannot alter that. It would have been nice if someone could have foretold Brigitta's unhappiness in Australia and then prevented her from going.

It would be good to have Ingrid's adoption settled. Do you still maintain North Dakota residence, or are you establishing yourself in Arizona? This will make a difference as to who handles it.

We will be pleased to hear from you again. I am sorry we cannot do anything specific to help Brigitta.

Sincerely,

Mrs. CAROL LINDSAY, *Caseworker.*

Nickolas Menis—S. 2166, by Senator O'Mahoney

The beneficiary of the bill is a native and citizen of Greece who will be 3 years old November 20, 1955. He presently resides in Greece with his parents. Mr. and Mrs. Antonio N. Panopoulos, the sponsors, are naturalized citizens of the United States residing in Cheyenne, Wyo. Mrs. Panopoulos is a sister of the beneficiary's mother. The boy's natural parents are willing to have the beneficiary adopted because of economic circumstances.

A letter, with attached memorandum, dated July 15, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., July 11, 1955.

HON. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2166) for the relief of Nickolas Menis, there is attached a memorandum of information concerning the beneficiary. This

memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the beneficiary by providing that he shall be considered the natural-born alien child of Mr. and Mrs. Antonio N. Panopoulos, citizens of the United States.

As a quota immigrant the beneficiary would be chargeable to the quota of Greece.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING NICKOLAS MENIS, BENEFICIARY OF S. 2166

Information concerning the beneficiary was obtained from Mr. and Mrs. Antonio N. Panopoulos, sponsors, who reside at 912 East 22d Street, Cheyenne, Wyo.

The beneficiary, Nickolas Menis, is a native and citizen of Greece, born November 20, 1952. He is living in Greece with his parents, Ionis and Despina Menis. He is the second of four children, is too young to be employed, and has never attended school. He has no income and is dependent upon his parents for support.

The sponsors, Mr. and Mrs. Antonio N. Panopoulos, also known as Antonios Panopoulos, are natives of Greece and naturalized citizens of the United States. They have no children. Mr. Panopoulos is employed as a laborer and earns an average of \$3,400 per annum. They have assets valued at \$29,000. Mrs. Panopoulos is the sister of the beneficiary's mother. The beneficiary's parents have indicated their willingness to have their son come to the United States and live with the sponsors because of economic conditions in Greece. It is the intention of the sponsors to adopt the beneficiary upon his arrival in this country.

Senator Joseph C. O'Mahoney, the author of the bill, has submitted the following information in connection with the case:

AFFIDAVIT

STATE OF WYOMING,

County of Laramie, ss:

Comes now Antonio N. Panopoulos and Marie Panopoulos, and after being duly sworn depose and say:

1. That they are husband and wife and have been since the 4th day of May, 1930.

2. That the said husband is 60 years of age and said wife is 50 years of age; that they were both born in Greece and are naturalized citizens of the United States; that said husband was naturalized on July 5, 1927, and said wife was naturalized on July 5, 1940.

3. That said husband has been employed by the Union Pacific Railroad Co. in Cheyenne, Wyo., for the past 29 years; that he earns approximately \$3,400 per year.

4. That said husband and wife own their own home without encumbrances; that said home has a reasonable value of \$17,000; that they further hold and own \$10,000 in United States savings bonds; that they have a further income of \$60 per month from rental of an apartment.

5. That the only child of said husband and wife is deceased and they have no dependents at this time.

6. That said husband and wife are both in good health and have a reputation for honesty, good character, and high morals in their home community.

7. That said husband and wife are most anxious to adopt Master Nick Menis; that said child is a blood nephew of said wife; that said child's parents consent and agree to said adoption; that said husband and wife are able to support, care for and rear said child in a proper and desirable home atmosphere; that said husband and wife will adopt said child at the earliest possible date in the courts of the State of Wyoming.

In witness whereof we have hereunto set our hands and seals under oath on this 7th day of March 1955.

ANTONIO N. PANOPOULOS,
MARIE PANOPOULOS.

Subscribed and sworn to before me this 7th day of March 1955.

[SEAL]

VINCENT A. ROSS,
Notary Public.

My commission expires December 2, 1957.

CONSENT TO ADOPTION

This is to certify that we, John Menis and Dorothy Menis, husband and wife, of Dafnon, Chios, Greece, are the father and mother respectively, and the natural parents of Nick Menis, minor child; that said child was born on the 20th day of November 1952, in Dafnon, Chios, Greece; that we are acquainted with Antonio N. Panopoulos and Marie Panopoulos, husband and wife, of Cheyenne, Laramie County, Wyo., inasmuch as the said Marie Panopoulos is a sister of the said Dorothy Menis; that the said Antonio N. Panopoulos and Marie Panopoulos are fit and proper persons to have the care and custody of said child and should be permitted to adopt said child.

That it is our desire that said Antonio N. Panopoulos and Marie Panopoulos be permitted to adopt said child; that said adoption would be for the best interests for said child inasmuch as we, his parents, have a large family and find it most difficult to furnish said child with the necessities of life; that we are agreeable to said adoption of said child and hereby give our consent to Antonio N. Panopoulos and Marie Panopoulos to adopt said Nick Menis, minor child, as their own and legally adopted child and hereby waive all of our rights to and interest in said child as his natural parents.

We and each of us hereby waive any further notice whatsoever in regard to the adoption of the said child by said parties, and are prepared upon request to surrender custody and possession of said child forthwith.

Dated this ----- day of -----, 1955.

JOHN MENIS, *Father.*
DOROTHY MENIS, *Mother.*

ACKNOWLEDGMENT

-----,
-----, ss:

John Menis and Dorothy Menis, and each of them, being first duly sworn deposes and say: That they are the father and mother respectively, who signed the foregoing consent to adoption and have read and know the contents thereof and they, and each of them, signed the same as their free acts and deed and fully understand the legal consequences thereof.

JOHN MENIS, *Father*.

DOROTHY MENIS, *Mother*.

Subscribed and sworn to before me this ----- day of -----, 1955.

(Official Title)

Upon consideration of all the facts in each case included in this bill, the committee is of the opinion that S. 1255, as amended, should be enacted and accordingly recommends that the bill do pass.

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MEMORANDUM

The following is a summary of the information received from the various sources mentioned in the above-mentioned letter. It is to be understood that the information is given in good faith and is not intended to be a statement of fact.

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